

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRYAN ALLEN CARY,

Plaintiff,

Civil No. 24-cv-10488
Hon. Matthew F. Leitman

v.

ARF RTP STAFF,

Defendants.

**ORDER DENYING PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT (ECF No. 6) WITHOUT PREJUDICE**

Plaintiff Bryan Allen Cary is a state inmate in the custody of the Michigan Department of Corrections (the “MDOC”). In this action, Cary brings a civil-rights claim against two employees of the MDOC. (*See* Compl., ECF No. 1; Am. Compl., ECF No. 7.) Cary appears to allege that the Defendants wrongly assigned him to a top bunk despite knowing that doing so could be dangerous to Cary’s health. (*See id.*)

On March 8, 2024, Cary filed a motion for summary judgment. (*See* Mot., ECF No. 6.) No Defendant has appeared in this action. Nor does it seem that any Defendant has been served with the Complaint or Cary’s motion. Thus, because the Defendants have not yet been served with notice of this action, Cary’s motion is premature.

The Court therefore **DENIES** the motion **WITHOUT PREJUDICE**.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: May 22, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 22, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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